

Ferries (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

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B I L L

TO

Confer on County Councils in Ireland the power to establish and maintain Ferries; and for other purposes connected therewith. A.D. 1907.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1. Subject to the provisions of this Act, a county council may establish, maintain, and work a ferry or ferries for passengers and goods at such point or points within the limits of their county as they from time to time think fit, and may purchase, provide, maintain, regulate, man, work, and use steam and other vessels and boats, with all proper and sufficient tackle, gear, and apparatus
10 and conveniences for conveying, landing, or embarking passengers and goods, and may convey passengers and goods between such points, and may from time to time, appoint, employ, remunerate, and dismiss such officers, servants, toll collectors, and other
15 persons as may be, in their opinion, required for the proper working of any such ferry.

Establishment and maintenance of ferries.

- 2.—(1) A county council may demand and receive for the use of any ferry established under this Act and for the conveyance of passengers and goods in any vessels or boats belonging to or
20 provided by the council such reasonable tolls and payments (in this Act called "ferry tolls") as they think fit and the Local Government Board approve: Provided that such ferry tolls shall be at all times charged equally to all persons, and after the same rate in respect of all goods of a like description conveyed
25 in the same class of vessels or boats and under the like circumstances.

Provisions for ferry tolls.

[Bill 129.]

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A.D. 1907.

(2) The ferry tolls shall be paid to such persons and at such places upon or near to the ferry, and in such manner and under such regulations as the council shall, by notice to be annexed to the list of ferry tolls, appoint, and if any person subject to any ferry toll or any person in charge of any goods 5 subject to any ferry toll, after demand, refuse or neglect to pay the same, such collector by himself or taking such assistance as he shall think necessary, may stop or prevent such person from entering into or upon, or depositing any goods in, any ferry boat or premises of the council connected with such ferry, or 10 may eject such person or goods therefrom.

(3) If any person after demand fail to pay any ferry toll due from him, the council may recover the same in a summary manner, and if any person shall knowingly and wilfully, and with intent to defraud, refuse or neglect to pay his ferry toll 15 when the same shall be payable by virtue of this Act, every such person shall, on conviction in a summary manner, for every such offence forfeit a sum not exceeding *forty shillings*.

(4) A list of the ferry tolls from time to time appointed by the council to be taken shall be published by the same 20 being printed or painted in white letters on a black ground or in black letters on a white ground, and exhibited in some conspicuous place on the toll gates, or toll-houses, or places where such tolls shall be payable, and no ferry tolls shall be taken or demanded by the council for the use of the ferry during any 25 time at which the list of tolls herein-before directed to be exhibited in respect of the ferry shall not be so exhibited, and if any person wilfully pull down, deface, or destroy any such list of tolls, he shall, on conviction in a summary manner, forfeit a sum not exceeding *five pounds* for every such offence: 30 Provided that if any such list be destroyed, injured, or obliterated the tolls and payments shall continue payable, during the time reasonably required for the restoration or reparation of such list, in the same manner as if the list continued exhibited in the state required by this Act. 35

Provision
for toll-
houses and
waiting
rooms.

3.—(1) In connection with any ferry established under this Act the county council, from time to time, may erect, provide, and maintain such toll-houses, waiting rooms, shelters, sheds, and other buildings, works, and conveniences at each end of such ferry as they think necessary for the accommodation of 40 passengers using such ferry and goods conveyed or intended to be conveyed across the same.

A.D. 1907.

(2) For the purposes of this section the council may acquire, purchase, or take on lease any land, or any easements or rights over or in land, within or without the limits of their county, and for the purpose of this subsection paragraphs (a), (b), (c), (e) and (g) of subsection (3) of section ten of the Local Government (Ireland) Act, 1898, shall apply with the necessary modifications, and with the substitution of the Local Government Board for Ireland for the judge of assize and the lord lieutenant and privy council, as if the land were required for the purpose of widening an old road or making a new road, and any order made by the said Board under the said paragraphs shall be final and conclusive.

(3) For the purpose of the payment of the compensation for lands acquired, purchased, or taken on lease under this section, section eleven of the Labourers (Ireland) Act, 1906, shall apply with the necessary modifications.

(4) Rules regulating the practice and procedure and costs in proceedings under this section may be made by the Local Government Board.

4. The county council may, subject to the provisions of this Act, make byelaws with respect to any ferry established by them for all or any of the following purposes (that is to say):—

Power to
make bye-
laws.

(a) For regulating, controlling, and limiting the use of the ferry;

(b) For preventing the commission of any nuisances in or upon premises of the council used for or in connection with the ferry;

(c) For preventing injuries and damages to any works or property of the council so used;

(d) For regulating the duties and conduct of all persons, as well the officers and servants of the council as others who shall be employed in and about the ferry and in and about the vessels or boats used for the purposes of any ferry established as aforesaid;

(e) For regulating the conveyance of passengers and goods in or upon any vessels or boats at the ferry and the embarkation and disembarkation of the same respectively, and for prohibiting the embarkation of any goods in any vessels or boats used for the purposes

A.D. 1907

of the ferry which may, in the opinion of the council, be injurious to or prejudicially affect the use of such vessels and boats or to the traffic to be carried therein ;

and the council may, by the byelaws so to be made by them impose such reasonable penalties as they think fit not exceeding 5 *free pounds* for each breach of such byelaws :

Provided that no such byelaws shall come into operation until the same shall have been confirmed by the Local Government Board.

Ferry rights
to be exclu-
sive.

5. No person or persons, or body, shall keep or maintain any 10
boat or boats, or vessel or vessels, to ply for hire at any place
nearer than two statute miles to any ferry established under this
Act, or to carry or convey any passengers or goods which is or are
subject or chargeable with tolls under this Act, except such
persons as shall be appointed by the council, and if any person 15
or persons, or body corporate not so appointed, shall keep or
maintain any boat or boats, or vessel or vessels within such
distance of the ferry as aforesaid for any of the said purposes, or
shall carry or convey passengers chargeable with tolls under this
Act, such person or persons, or body corporate shall, on conviction 20
in a summary manner of any of such offences, forfeit and pay
to the council a sum not exceeding *five pounds*.

Saving for
existing
ferry rights.

6. Nothing in this Act shall be construed to authorise any
county council to interfere in any way with any ferry rights
existing at the passing of this Act. 25

Finance.

7.—(1) The expenses incurred by a county council in the
execution of this Act shall be defrayed out of the poor rate
and shall be raised equally over the county district in which
the ferry is situate.

(2) All receipts from ferry tolls payable under this Act 30
and all moneys received by a council from other sources than
tolls for the establishment and maintenance of a ferry or ferries
shall be paid into a fund, to be called the "ferry fund," to
the credit of such district as aforesaid, and shall be otherwise
accounted for and dealt with as if the said receipts and moneys 35
were receipts from rates applicable to the payment of district
charges: Provided that such receipts and moneys and any
interest thereon shall be applicable only to the payment of the
expenses mentioned in subsection one of this section.

(3) It shall be lawful for a county council to receive, 40
subject to the provisions of subsection two of this section,

gifts of money from any source for the establishment and maintenance under this Act of a ferry or ferries. A.D. 1907.

(4) In addition to the accounts provided for by subsection (3) of section forty-seven of the Act of 1898, a separate account shall be kept in the county fund of the receipts and payments of a county council in respect of any ferry or ferries established under this Act.

8.—(1) Where a river forms the boundary between two counties and the county council of one such county has determined to bring this Act into operation and to establish and maintain a ferry across such river, then in every such case such council is hereby authorised and empowered to enter into an agreement with the county council of the other county for the contribution and payment by such other county council of such portion of the cost of establishment and maintenance of such ferry and of the provision and construction of the necessary works and conveniences incident thereto as may be mutually agreed upon between such councils, and such other county council as aforesaid is hereby authorised to enter into such agreement and to make the payments agreed upon out of their county fund.

(2) Such agreement as aforesaid may provide for the keeping by the county council establishing the ferry of such accounts of receipts and expenditure in connection with the establishment and maintenance of the ferry as may, in the opinion of the Local Government Board, be required, and such accounts shall be, at such times as may be agreed on, open for inspection by such other county council as aforesaid.

9. In this Act—

Definitions.

30 The expression "county council" means any council of an administrative county other than the council of a county borough:

The expression "the Act of 1898" means the Local Government (Ireland) Act, 1898:

35 The expressions "county district," "county fund," and "district charge" have the same meanings respectively as they have in the Act of 1898:

The expression "the Local Government Board" means the Local Government Board for Ireland.

A.D. 1907. **10.** This Act may be cited as the Ferries (Ireland) Act,
Short title. 1907, and shall be read and construed as one with the Local
Government (Ireland) Act, 1898.

Commence-
ment of Act. **11.** This Act shall come into operation on the passing thereof.



Ferries (Ireland).

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B I L L

To confer on County Councils in
Ireland the power to establish and
maintain Ferries; and for other
purposes connected therewith.

Presented by Mr. Gwynn,

supported by

Mr. Clancy, Mr. Boyden, and Mr. O'Malley.

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